

THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

STACY WHEELER,

Case No.:

Plaintiff,

v.

DR. MOHSIN JAFFER,

Defendant.

COMPLAINT

Plaintiff, STACY WHEELER, by and through undersigned counsel and pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, hereby files her complaint against the Defendant, DR. MOHSIN JAFFER, and alleges the following:

JURISDICTION

1. Jurisdiction in this court is proper as the claims are brought pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. sections 207 and 216, hereinafter called the FLSA) to recover unpaid back wages, and additional equal amount as liquidated damages, and reasonable attorney's fees and costs.

2. Jurisdiction of this action is founded upon section 207 of the FLSA. (29 U.S.C. §207).

PARTIES

3. At all times material hereto, Plaintiff STACY WHEELER was and is a resident of Broward County, Florida.

4. At all times material hereto, Defendant Dr. MOHSIN JAFFER operates medical offices at 601 N. Flamingo Rd., Suite 304, Pembroke Pines, Florida 33028 and 1855 N. Corporate

Lakes Blvd., Weston, Florida 33326.

5. Plaintiff is an hourly paid employee who was subject to the payroll practices and procedures described below and who worked in excess of forty hours beginning in February 1999 without receiving overtime compensation.

6. At all times material, Defendant acted directly or indirectly in the interest of an employer in relation to Plaintiff, and therefore Defendant has been an employer within the meaning of section 203(d) of the FLSA. (29 U.S.C. §203(d)).

7. Plaintiff was hired by Defendant as a medical assistant and was paid on an hourly basis.

8. In the course of employment with Defendant, Plaintiff was not paid time and one-half for all hours in excess of forty during a work week.

9. Defendant employed Plaintiff as a medical assistant for work weeks longer than forty hours and willfully failed to compensate her for hours worked in excess of forty hours a week at a rate of at least one and one-half times the regular rate at which she was employed, contrary to the requirements of section 207 of the FLSA. (29 USC § 207).

10. Plaintiff has hired the law firm of Altschul, Landy & Collier, P.A. to represent her in this action and has agreed to pay it a reasonable attorney's fee.

COUNT 1
RECOVERY OF OVERTIME COMPENSATION

11. Plaintiff readopts and realleges all allegations contained in paragraphs 1 through 9 above.

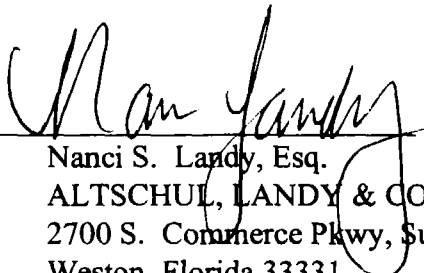
12. Plaintiff is entitled to be paid time and one-half of his regular rate of pay for each hours worked in excess of forty per week.

13. As a direct and proximate result of Defendant's deliberate underpayment of wages including lost overtime compensation, plus incurring costs and reasonable attorney's fees.

14. As a result of Jaffer's willful violation of the FLSA, Plaintiff is entitled to liquidated damages.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages for the wages and overtime payments due them, an additional equal amount as liquidated damages, together with costs and attorney fees pursuant to the FLSA and such other further relief as this court deems just and proper.

Dated: Jan 3, 2000

By: 
Nanci S. Landy, Esq.
ALTSCHUL, LANDY & COLLIER, P.A.
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Fax.: (954) 384-9935
Florida Bar No.: 817971

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

STACY WHEELER

DEFENDANTS

DR. MOSHIN JAFFER

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF BROWARD
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT BROWARD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nanci S. Landy
ALTSCHUL, Landy & Collier (954) 384-9954
2700 S. Commerce Pkwy St. 305 WESTON, FL.

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE:

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|-------------------------------------|-------------------------------------|--|--------------------------|--------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Incorporated (or Principal Place of Business) in This State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated (or Principal Place of Business) in Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign National | <input type="checkbox"/> | <input type="checkbox"/> |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

29 U.S.C. § 207

RECOVERY OF UNPAID WAGES

IVa. 1 days estimated (for both sides) to try entire case.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

A CONTRACT	A TORTS	B PERSONAL INJURY	A LABOR	A LABOR/PROPERTY	A OTHER SERVICES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negligence <input type="checkbox"/> 150 Recovery of Compensation & Expenses of Judgment <input type="checkbox"/> 161 Maritime Act <input type="checkbox"/> 162 Recovery of Damages (Solely) <input type="checkbox"/> 163 Recovery of Compensation of Veterans' Benefits <input type="checkbox"/> 164 Stockholders' Suits <input type="checkbox"/> 165 Other Contract <input type="checkbox"/> 166 Contract Product Liability	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Personal Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Medical Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Legislation <input type="checkbox"/> 751 Brt. Rail. Inc. Security Act	<input type="checkbox"/> 422 Appellate <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 424 Copyright <input type="checkbox"/> 425 Patent <input type="checkbox"/> 426 Trademark <input type="checkbox"/> 427 Social Security <input type="checkbox"/> 428 HSA (1200) <input type="checkbox"/> 429 Black Lung (102) <input type="checkbox"/> 430 DMCA/DCAA (401, 4) <input type="checkbox"/> 431 Title XVI <input type="checkbox"/> 432 RIA (4010) <input type="checkbox"/> 433 Federal Tax Suits <input type="checkbox"/> 434 Taxes (U.S. Paid) or Defendants <input type="checkbox"/> 435 IRS—Third Party <input type="checkbox"/> 436 USC 7608	<input type="checkbox"/> 400 Ship <input type="checkbox"/> 410 Airplane <input type="checkbox"/> 420 Service and Banking <input type="checkbox"/> 430 Conveyance/ICC Rules/Act <input type="checkbox"/> 440 Deposition <input type="checkbox"/> 450 Railway Inland and Coastwise <input type="checkbox"/> 460 Salvage Service <input type="checkbox"/> 470 Conveyance/Commission/Exchange <input type="checkbox"/> 475 Customer Charge <input type="checkbox"/> 480 12 USC 5610 <input type="checkbox"/> 481 Agricultural Act <input type="checkbox"/> 482 Economic Stabilization Act <input type="checkbox"/> 483 Environmental Statutes <input type="checkbox"/> 484 Energy Allocation Act <input type="checkbox"/> 485 Freedom of Information Act <input type="checkbox"/> 490 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 491 Constitutionality of State Statute <input type="checkbox"/> 492 Other Statutory Action

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Refiled
☐ 5 Transferred from another district (specify)
☐ 6 Multi-district Litigation
☐ 7 Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

S/P I-2

REV. 6/90

FOR OFFICE USE ONLY: Receipt No. 814955 Amount: 150.00

Date Paid: 01/06/00 //lfp: